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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.

RYAN McINERNEY,

Defendant.

Case:2:18-cr-20584
Judge: Battani, Marianne O.
MJ: Patti, Anthony P.
Filed: 08-30-2018 At 01:13 PM
INDI USA v. McInerney (EK)

VIOLATIONS:

18 U.S.C. § 242 (Deprivation of
Rights Under Color of Law)

18 U.S.C. § 1519 (False Report)

18 U.S.C. § 924(c) (Use of
Firearm During and in Relation to
a Crime of Violence)

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment:

1. Defendant RYAN McINERNEY was employed as a Hamtramck Police Department (HPD) Police Officer.

2. D.M. was a civilian and resident of Hamtramck, Michigan.
3. J.M. was a civilian and resident of Detroit, Michigan.

COUNT ONE

(18 U.S.C. § 242 – Deprivation of Rights Under Color of Law)

On or about July 22, 2014, in the Eastern District of Michigan, defendant RYAN McINERNEY, while acting under color of law, willfully deprived D.M. of the right, secured and protected by the Constitution and the laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force by law enforcement officers. Specifically, defendant RYAN McINERNEY assaulted D.M. with a dangerous weapon by striking D.M. in the head and face with a pistol, resulting in bodily injury to D.M. including broken bones, lacerations requiring stitches, bleeding, bruising, swelling, and pain.

All in violation of Title 18, United States Code, Section 242.

COUNT TWO

(18 U.S.C. § 242 – Deprivation of Rights Under Color of Law)

On or about July 22, 2014, in the Eastern District of Michigan, defendant RYAN McINERNEY, while acting under color of law, willfully deprived J.M. of the right, secured and protected by the Constitution and the laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the

unreasonable use of physical force by law enforcement officers. Specifically, defendant RYAN McINERNEY assaulted J.M. with a dangerous weapon by striking J.M. in the mouth with a pistol, resulting in bodily injury to J.M. including broken teeth, swelling, and pain.

All in violation of Title 18, United States Code, Section 242.

COUNT THREE
(18 U.S.C. § 1519 – False Report)

On or about July 22, 2014, in the Eastern District of Michigan, defendant RYAN McINERNEY, acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, defendant RYAN McINERNEY wrote and signed a handwritten HPD Use of Force Report, Case Number 6251-14, that asserted, in sum and substance, that McINERNEY struck arrestee D.M. with his fist, resulting in a laceration to D.M.'s face. The report was false in that it (1) stated that McINERNEY used his fist to strike D.M.; (2) implied that any force McINERNEY used against D.M. was necessary for officer safety and to effectuate D.M.'s arrest, and (3) described the injury he caused D.M. as "laceration to face." In

truth and in fact, as the defendant then well knew, (1) McINERNEY actually struck D.M. with a pistol; (2) McINERNEY's use of force against D.M. was unjustified; and (3) the force McINERNEY used resulted in bodily injuries to D.M. that were more serious than those McINERNEY listed in the report.

All in violation of Title 18, United States Code, Section 1519.

COUNT FOUR
(18 U.S.C. § 1519 – False Report)

On or about July 22, 2014, in the Eastern District of Michigan, defendant RYAN McINERNEY, acting in relation to and in contemplation of a matter within the jurisdiction of the FBI, an agency of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, defendant RYAN McINERNEY wrote portions of an HPD Case Report, CR No. 140006254-003, that falsely described the arrest of J.M. on July 22, 2014, to cover up McINERNEY's use of force against J.M. The portions of the report written by McINERNEY were false in that they provided a false narrative and (1) asserted that McINERNEY had discharged his pistol accidentally, immediately prior to J.M.'s arrest; and (2) omitted any mention of McINERNEY striking J.M. in the mouth with a pistol during the arrest. In truth and in fact, as the defendant then well knew, (1)

McINERNEY had actually fired his pistol intentionally, not accidentally; and (2) during J.M.'s arrest, MCINERNEY assaulted J.M. by striking J.M. in the mouth with a pistol, causing J.M. bodily injury.

All in violation of Title 18, United States Code, Section 1519.

COUNT FIVE

(18 U.S.C. § 924(c) – Use of Firearm During Crime of Violence)

On or about July 22, 2014, in the Eastern District of Michigan, defendant RYAN McINERNEY knowingly used, carried, and brandished a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely the willful violation of D.M.'s civil rights that is charged in Count One of this Indictment and hereby incorporated by reference. In committing the offense charged in Count One of this Indictment, the defendant's conduct involved a substantial risk that physical force would be used against the person and property of another.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(3)(A), and 924(c)(3)(B).

COUNT SIX

(18 U.S.C. § 924(c) – Use of Firearm During Crime of Violence)

On or about July 22, 2014, in the Eastern District of Michigan, defendant RYAN McINERNEY, knowingly used, carried, and brandished a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely the willful violation of J.M.'s civil rights that is charged in Count Two of this Indictment and hereby incorporated by reference. In committing the offense charged in Count Two of this Indictment, the defendant's conduct involved a substantial risk that physical force would be used against the person and property of another.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(3)(A), and 924(c)(3)(B).

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

MATTHEW SCHNEIDER
United States Attorney

s/Frances Lee Carlson
FRANCES LEE CARLSON
Assistant United States Attorney
Public Corruption Unit

s/Risa Berkower
RISA BERKOWER
Trial Attorney, U.S. Department of Justice
Civil Rights Division

Dated: August 30, 2018

Case 2:18-cr-20584

Judge: Battani, Marianne O.

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United States District Court
Eastern District of Michigan

Criminal Case Cover

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>RL</i>

Case Title: USA v. RYAN McINERNEYCounty where offense occurred : Wayne CountyCheck One: ☒ Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/ ☐ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number: _____]
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant nameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

August 30, 2018

Date

RL
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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.